

Committee Room,
Austin, Texas, Feb. 24, 1905.
Hon. Geo. D. Neal, President of the
Senate.

Sir. Your Committee on State Affairs, to whom was referred

Senate bill No. 209, a bill to be entitled "An Act to authorize the creation and to provide for the operation of a State Board of Arbitration for the settlement of differences between employers and their employees, and to adjust industrial disputes."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLLAND, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1905.
Hon. Geo. D. Neal, President of the
Senate.

Sir. Your Committee on State Affairs, to whom was referred

Senate bill No. 187, a bill to be entitled "An Act to provide for working short-term convicts on the public roads and other public works of the counties of the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLLAND, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, March 1, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty. Hill.

Absent—Excused.

Faulk.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Harper the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Glasscock:

To the Senate of the State of Texas.

Gentlemen: We, citizens of Burnet, Burnet county, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

By Senator Stone:

Waco, Texas, Feb. 28, 1905.

Hon. Thos. P. Stone, Austin, Texas.

Dear Sir: We take the liberty of directing your attention to House bill No. 67, which has passed the House of Representatives and is now come up in the Senate.

This is a bill to prevent the fraudulent disposition of mortgaged property absolutely, which is not the case under the present law. It can work no hardship on an honest purchaser of goods and will not be a benefit to the dealer alone but also to the honest man who needs long time on his purchases, for with the proposed law in force the furniture dealer, the implement dealer and all who sell on long time may do so safely and sell to anybody.

A glance at the bill will show that the interests of all are subserved and we hope you will consent to take up the bill and urge its speedy passage.

Very respectfully yours,

Numerously signed.

By Senator Skinner:

To the Members of the Senate of the State of Texas.

Gentlemen: We, citizens of Ennis, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

G. W. Sexton, Presbyterian minister.

R. T. Phillip, pastor of Cumberland Presbyterian Church, representing a membership of 150.

C. M. Baner, superintendent of C. P. S. S.

L. L. Sams, pastor First Baptist Church, representing a membership of 340.

R. D. Schults, pastor Christian Church, 300 members.

J. D. Burr, superintendent of First Baptist Church S. S.

Horace Bishop, pastor M. E. Church, South, 600 members.

R. J. Fort, pastor M. P. Church, 40 members.

J. K. Armstrong, superintendent M. E. S. S.

W. K. Penrod, pastor Tabernacle Baptist Church, representing 300 members.

Geo. E. Burgers, Gen. Sec. R. R. Y. M. C. A.

W. E. Edelen, superintendent Ennis Public Schools.

J. L. Wyche, pastor of Free Methodist Church, representing a membership of 30.

Mrs. M. E. Mariotte, Pres. of Ennis W. C. T. U., representing a membership of 38, including 5 honoraries.

Geo. N. Appleby, Labor Union and editor of Labor Union paper.

By Senator Grinnan:

To the Hon. Arch. Grinnan, Senator, and Hon. J. M. Rieger, Representative of this District.

We, the undersigned resident tax-paying voters of Comanche county, recognizing the unfairness of the present law governing the selling of school lands in not giving to the owners of leases who purchased same at a time when it was considered that the holder of a lease had a right to buy four sections out of same at any time as an actual settler, and realizing the danger and menace to public peace in the method of filing on school lands under the present law, respectfully petition you as our representatives to use your best endeavors to secure the passage of an amendment to the present law regulating the sale of school lands, allowing the present owners of a lease or subdivision of a lease, who bought same prior to the decision of the Supreme Court of Texas in the case of Hazlewood vs. Rogan, a prior right to purchase four sections of the land embraced in their leasehold by becoming actual settlers on same and otherwise complying with the law, and to secure the passage of an amendment to said present law, changing the present method of filing on school lands.

Numerously signed.

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Glasscock:

Senate bill No. 251, a bill to be entitled "An Act to amend Section 64 of an act of the Twenty-seventh Legislature of the State of Texas, entitled 'An Act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries,' approved April 13, 1901, and being Chap-

ter 8 of the Special Laws of the regular session of the Twenty-seventh Legislature of the State of Texas."

Read first time, and referred to the Committee on City and Town Corporations.

By Senator Griggs:

Senate bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the County Commissioners Court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in the city of Houston, and authorizing the creation of road districts, and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas, and the provisions of this act, and declaring an emergency."

Read first time, and referred to the Committee on Roads, Bridges and Ferries.

By Senator Stone:

Senate bill No. 253, a bill to be entitled "An Act to amend an Act entitled 'An Act to incorporate the city of Waco, and declaring an emergency.'"

Read first time, and referred to Committee on City and Town Corporations.

By Senator Glasscock:

Senate bill No. 254, a bill to be entitled "An Act to compel persons in this State having the control or custody of any child within the scholastic age to have such child enrolled as a scholar and to compel such persons having any such child in their control or custody to attend the public free school in the school district in which such person or child resides, and prescribing a penalty for the violation thereof, with certain exceptions from prosecution, and declaring an emergency."

Read first time, and referred to Committee on Education.

By Senator Decker:

Senate bill No. 255, a bill to be entitled "An Act to authorize the county commissioners court to close up the streets and alleys of territory or lands which are contiguous and uninhabited, whether included within the corporate limits of said cities, towns or villages, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate bill No. 256, a bill to be entitled "An Act to create the Sixty-second Judicial District of Texas, to name the counties composing said district; to prescribe the time of holding the terms of the district court in said district; to provide for the appointment of district judge for said district; giv-

ing authority to the judges of either the Sixth or Sixty-second Judicial District in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; providing that the clerk of the district court of Lamar county shall be the clerk of the district court of both the Sixth Judicial District and the Sixty-second Judicial District of said county, and that the clerk of the district court of the Eighth Judicial District of the counties of Hunt and Delta shall be the clerk of the district court of the Sixty-second Judicial District for said counties, and providing that the clerks of said courts shall be required to transfer from the dockets of said courts any cases pending at the time of the passage of this Act in the Sixty-second district court, as it formerly existed, to the docket of the district court of the Sixty-second Judicial District for said county, created by this Act, validating the judgments and decrees of the district court of the Sixty-second Judicial District, as it heretofore existed, and providing that process issued in the Sixty-second Judicial District, as heretofore constituted, shall be valid, and shall be returnable to the Sixty-second Judicial District, as created by this Act, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Meachum:

Senate bill No. 257, a bill to be entitled "An Act to amend Articles 1323, 1324, 1325, 3229 and 3231 of the Revised Civil Statutes, relating to jury trials in civil cases in the district court, so as to authorize nine members of a jury concurring to render a verdict, and to conform the practice thereof."

Read first time, and referred to Judiciary Committee No. 1.

RESOLUTIONS.

Senate joint resolution No. 5.

By Senators Grinnan and McKamy, authorizing the submission to a vote of the people a proposed amendment to Article 3, Section 3, of the Constitution of the State of Texas, relating to the better support and maintenance of the public schools.

Read first time, and referred to Committee on Education.

Senate joint resolution No. 6.

By Senator Harper, to amend Section 11 of Article 8, relating to taxation.

Read first time, and referred to Committee on Constitutional Amendments.

Senate joint resolution No. 7.

By Senator Harper, to amend Section 18 of Article 8, relating to taxation.

Read first time, and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

By Senator Chambers:

Whereas, An interview has been published in several daily papers of this State stating that the Senate would not consider any tax measures until all were before the body, and further that the Senate had been polled along this line,

Be it resolved by the Twenty-ninth Senate, That such is not a fact, and misrepresents at least those members who were not polled in the matter, and who are at all times willing to consider and pass any legislation, whether same originated in the House or Senate, if in their judgment they believe same to be for the interests of the people of this State; and be it further

Resolved, That the Senate does not indorse or approve of such interviews as have recently been given out along this line, as same does the Senate an injustice, especially those who wish to work in harmony with the House and for the best interests of the people of the entire State of Texas.

Senator Griggs moved that the resolution be referred to the Committee on State affairs. The motion prevailed by the following vote:

Yeas—15.

Barrett.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Griggs.	Stafford.
Hanger.	Stokes.
Hawkins.	Stone.
Hicks.	Willacy.
Holland.	

Nays—13.

Brachfield.	Harper.
Chambers.	Looney.
Davidson.	Martin.
Glasscock.	Paulus.
Grinnan.	Smith.
Hale.	Terrell.
Harbison.	

Absent.

Beaty.	Hill.
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Absent—Excused.

Faulk.

(See Appendix for committee reports.)

SIMPLE RESOLUTION.

By Senator Hicks:

Whereas, The president, professors and the senior class of Baylor university are visiting Austin for the purpose of viewing the workings of the Legislature, and are now in the Senate gallery; therefore be it

Resolved, That they be invited to occupy seats upon the floor of the Senate.

(Signed)

HICKS.
STONE.
BARRETT.
SKINNER.

The resolution was unanimously adopted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-Ninth Legislature,
Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill's:

House bill No. 541, a bill to be entitled "An Act to incorporate the city of Paris, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

House bill No. 52, a bill to be entitled "An Act imposing an occupation tax upon persons, firms, companies or corporations owning, operating, managing or controlling any line of railroad in this State for the transportation of passengers and freight equal to 1 1-2 per cent of their gross receipts within this State, and repealing Subdivision 42 of Article 5049 of the Revised Statutes of Texas of 1895."

With engrossed rider.

House concurrent resolution No. 12, requesting the Governor to return House bill No. 53 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read, the following House bills:

House bill No. 541, referred to Committee on Town and City Corporations.
House bill No. 52, referred to Committee on Internal Improvements.
Morning call concluded.

SENATE BILL NO. 215—PIPE LINE BILL.

On motion of Senator Decker, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 215.

The Chair laid before the Senate, on its second reading,

Senate bill No. 215, a bill to be entitled "An Act to authorize the formation of domestic corporations for the purpose of transporting oil, gas or other mineral substances by means of pipe lines, and declaring all corporations engaged in transporting oil from place to place for hire, as common carriers, and providing for the condemnation of private property to the uses of such corporations and regulating the rate of transportation of such oil, gas and other mineral substances by said corporations, providing for the storage of the same and fixing the rates and tolls and charges to be made for the storing of the same, and authorizing the condemnation of private property for all purposes incidental to the transporting and storing of said oil, granting them the right to establish, maintain and operate telephone and telegraph lines in connection with said business, to own, lease, purchase or charter steamboats, steamships or other vessels or water crafts, declaring such corporations and all persons, corporations and associations of persons who transport and store oil for the public for hire common carriers under the provisions hereof for the purpose of conducting said business, and providing against discrimination by said corporations, and providing for penalties for violation of any of the regulations of this act; and clothing the Railroad Commission of the State of Texas with authority to fix said rate of storage; regulating giving of certificates for oil received, providing for their negotiability and prohibiting the sale of oil in storage without owner's consent, and providing for monthly reports of oil received and on hand and declaring an emergency."

Senator Decker offered the following amendment:

Amend the bill by adding Section 25a after Section 25, page 12, of said bill, as follows, to wit:

Sec. 25a. The other provisions of

this act shall be deemed severable from said Section 25 herein, and should it be determined in the courts finally that the Railroad Commission of the State can not legally perform the duties imposed upon it by said Section 25, or should said Railroad Commission for any reason fail or refuse to assume jurisdiction as set forth in said Section 25, yet nevertheless this act shall be deemed valid and enforceable as to all the other provisions contained in this bill.

The amendment was adopted.

Senator Decker offered the following amendment:

Amend Section 10, in line No. 9, page 5, of said bill by striking out all of said section after the word "quantity," in said line No. 9, on said page, and adding in lieu thereof the following: "Of oil, so specified in said receipt; provided, that said carrier of said oil shall not be required to deliver oil, except such as is of an average grade and gravity of all the oil then in storage in its said pipe lines and storage tanks; and provided further, that said carrier may deduct for waste and evaporation a reasonable per centum of said oil, not to exceed 3 per cent of the amount of petroleum in said receipt."

The amendment was adopted.

Senator Decker offered the following amendment:

Amend Section 2, page 5, of said bill by adding after the word "vessels," in line No. 23, the following: "And provided further, that if the distance said oil is to be transported in said pipe line or lines be a greater distance than 200 miles, then as to said excess of said distance the charges for the same shall be reasonable and may be determined by mutual contract."

The amendment was adopted.

Senator Holland moved that further consideration of the bill be postponed till Wednesday morning of next week.

Senator Decker moved to table that motion, and that motion was lost by the following vote:

Yeas—13.

Barrett.	Hicks.
Brachfield.	McKamy.
Davidson.	Meachum.
Decker.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	

Nays—14.

Chambers.	Looney.
Faust.	Martin.
Glasscock.	Paulus.

Hale.	Skinner.
Harbison.	Smith.
Hawkins.	Terrell.
Holland.	Willacy.

Absent.

Beaty.	Hill.
Griggs.	

Absent—Excused.

Faulk.

Senator Decker then moved as a substitute for Senator Holland's motion that the bill be postponed until tomorrow morning.

Action being on the longest time first, the Senate refused to postpone until next Wednesday by the following vote:

Yeas—8.

Chambers.	Holland.
Glasscock.	Looney.
Hale.	Martin.
Hawkins.	Willacy.

Nays—19.

Barrett.	McKamy.
Brachfield.	Meachum.
Davidson.	Paulus.
Decker.	Skinner.
Faust.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hicks.	

Absent.

Beaty.	Hill.
Griggs.	

Absent—Excused.

Faulk.

The substitute motion, to postpone until tomorrow morning, prevailed.

Senator Hawkins asked unanimous consent to have the following amendment, which he proposes to offer, printed in the Journal:

Amend by adding to Section 1 the following:

"That hereafter domestic corporations may be organized for any one or more, or all, of the following purposes:

"First—Prospecting for and producing oil or gas.

"Second—For the purpose of buying and selling oil or gas.

"Third—For the purpose of refining oil or gas and manufacturing and converting oil or gas into commercial products and selling such refined or manufactured products.

"Provided, it shall pay the State five hundred dollars for each purpose named in its charter, and that where it incorporates for all of such purposes it shall pay the State \$5000, said sums to be paid annually to the State, for the privileges of said charter."

The following amendment will be offered by Senator Decker:

Amend the bill by striking out Section 11, as amended, on page 5, and in lieu thereof insert the following:

"Section 11. The common carrier so receiving, transporting and delivering petroleum oil by means of pipe line or lines shall not charge for such service a sum exceeding five cents per barrel for the first five miles, or less, this to cover the cost of gathering and delivering, and one-fourth of one cent per mile for each additional mile after the first five miles; provided, that the maximum rate for the first two hundred miles shall not exceed twenty-five cents per barrel; and provided further, that for any distance beyond the first two hundred miles the rates shall be reasonable, and may be fixed by contract between the parties; and provided further, that said charge shall include the expense of loading said oil into tank cars and vessels."

HOUSE CONCURRENT RESOLUTION NO. 12—ADOPTED.

The Chair laid before the Senate, House Concurrent Resolution No. 12. Whereas, in the printing of House bill No. 35 an entire line was omitted from the caption, and this omission was carried into the enrolled bill, and Whereas, while such omission does not affect the validity of the act, the remaining caption being sufficient, it is nevertheless desirable that the enrolled bill shall correspond exactly with the bill as agreed to and passed by the two Houses; therefore

Be it resolved by the House of Representatives and the Senate concurring:

That the Governor be requested to return the said House bill No. 53 to the House of Representatives for the purpose of correcting the aforesaid error in its enrollment.

The resolution was adopted.

BILLS SIGNED.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read.

House Concurrent Resolution No. 5, requesting that the Governor return Senate bill No. 62 for correction.

House Concurrent Resolution No. 12, requesting the Governor to return House bill No. 53 for correction.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 13, relative to putting an end to the constant and oppressive violations of law in which the beef trust has been and is persistently engaging.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

SENATE BILL NO. 47—PASSAGE OF.

On motion of Senator Holland, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 47.

The Chair laid before the Senate, on second reading,

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

Question being on the pending amendment by Senator Hawkins, several days prior.

The amendment was adopted.

Senator Holland offered the following amendment:

Amend by adding the word "claims" after the word "contract" in line 14, page 3, and by adding before the word "existing," line 22, page 3, the words "and upon the claim or claims of any person or persons claiming to own or

to have the right to stock in said Cane Belt Railroad Company," and by adding the word "claim" after the word "contract," line 27, page 3, and by adding the word "claim" after the word "liability," in line 30, page 3, and by striking out "two-thirds" and inserting "nine-tenths" in line 5, page 4.

The amendment was adopted.

Senator Glasscock offered the following amendment:

Amend by adding after the word "commissioner" in line 26, page 2, of Section 3 of the printed bill the following words: "Provided that should the Gulf, Colorado & Santa Fe Railway Company or any other railroad company purchase the said Cane Belt railroad, such purchaser shall not create any greater indebtedness which would be a lien against the said Cane Belt railroad than that now or hereafter to be allowed by the Railroad Commission of Texas under the provisions of the stock and bond law."

Senator Harper offered the following substitute for the amendment:

Amend the bill, line 8, page 2, by inserting after the word "value" in line 8, the following: "And provided the stock and bonds authorized to be issued herein shall not exceed the amount of the stock and bonds outstanding against the Cane Belt railroad on January 1, 1905."

Senator Glasscock raised a point of order that the substitute was not germane to the amendment.

The Chair overruled the point of order.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas,
Austin, March 1, 1905.

To the Senate:

In compliance with the request contained in Senate concurrent resolution No. 5, I herewith return you Senate bill No. 62 for correction.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO 541—PASSAGE OF.

On motion of Senator Barrett the pending business, Senate bill No. 47, was suspended, and the Senate took up, out of its order, House bill No. 541.

On motion of Senator Barrett the Senate rule requiring committee reports to lay over for one day was suspended.

The Chair laid before the Senate on its second reading,

House bill No. 541, a bill to be entitled "An Act to incorporate the city

22—Senate.

of Paris and to grant it a new charter."

On motion of Senator Barrett the committee report was adopted.

(President Pro Tem. Hanger in the chair.)

Bill read second time and passed to a third reading.

On motion of Senator Barrett the constitutional rule, requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty. Hill.

Absent—Excused.

Faulk.

The bill was read third time and passed by the following vote:

Yeas—28.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty. Hill.

Absent—Excused.

Faulk.

Senator Barrett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REFUSE TO TAKE UP SENATE BILL NO. 222.

Senator Glasscock moved that the Senate suspend pending business and take up Senate bill No. 222.
The motion was lost.

PENDING BUSINESS—SENATE BILL NO. 47.

Action recurring on the Senate bill No. 47,

The question being on the substitute amendment to the amendment by Senator Glasscock.

Senator Hale moved to table the substitute and the motion was adopted by the following vote:

Yeas—15.

Chambers.	Hicks.
Decker.	Holland.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Hawkins.	

Nays—13.

Barrett.	Martin.
Brachfield.	Meachum.
Davidson.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Terrell.
Looney.	

Absent.

Beaty.	Hill.
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Absent—Excused.

Faulk.

The amendment by Senator Glasscock was then adopted.

Senator Hale moved the previous question on the bill, but the motion was not seconded.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—21.

Barrett.	Hicks.
Chambers.	Holland.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Willacy.
Hawkins.	

Nays—6.

Harbison.	Skinner.
Harper.	Smith.
Looney.	Terrell.

Absent.

Beaty.	Hill.
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Absent—Excused.

Faulk.

PAIRED.

Beaty, absent, vote "Aye."
Brachfield, present, vote "No."

Senator Holland moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

On motion of Senator Holland the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Hawkins.	

Nays—5.

Harbison.	Skinner.
Harper.	Smith.
Looney.	

Absent.

Beaty.	Hill.
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Absent—Excused.

Faulk.

The bill was read third time, and passed by the following vote.

Yeas—20.

Chambers.	Hicks.
Davidson.	Holland.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.

Griggs.	Paulus.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hawkins.	Willacy.

Nays—6.

Harbison.	Skinner.
Harper.	Smith.
Looney.	Terrell.

Absent.

Barrett.	Hill.
Beaty.	

Absent—Excused.

Faulk.

PAIRED.

Beaty, absent, vote "Aye."
Brachfield, present, vote "No."

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 253—PAS-
SAGE OF.

On motion of Senator Stone the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 253.

On motion of Senator Stone the committee report was adopted.

On motion of Senator Stone the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

Yeas—25.

Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Holland.	

Absent.

Barrett.	Harbison.
Beaty.	Hill.
Grinnan.	

Absent—Excused.

Faulk.

The Chair laid before the Senate, on second reading,

Senate bill No. 253, a bill to be entitled "An Act to incorporate the city of Waco."

Bill read second time, and ordered engrossed. On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty.	Hill.
Grinnan.	

Absent—Excused.

Faulk.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hill.
Glasscock.	Holland.
Grinnan.	Paulus.

Absent—Excused.

Faulk.

Senator Stone moved to reconsider the vote by which the bill passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 239—PASSAGE
OF.

On motion of Senator Davidson, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 239.

The Chair laid before the Senate, on third reading,

Senate bill No. 239, a bill to be entitled "An Act to require railroad companies who shall accept any special law passed at this or any future session of the Legislature of the State of Texas to carry free of charge members of the Legislature, certain State officials and sheriffs."

The bill was read third time, and passed by the following vote:

Yeas—15.

Barrett.	Harper.
Chambers.	Hicks.
Davidson.	Holland.
Decker.	McKamy.
Faust.	Paulus.
Griggs.	Stone.
Hale.	Willacy.
Hanger.	

Nays—13.

Brachfield.	Meachum.
Glasscock.	Skinner.
Grinnan.	Smith.
Harbison.	Stafford.
Hawkins.	Stokes.
Looney.	Terrell.
Martin.	

Absent.

Beaty.	Hill.
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Absent—Excused.

Faulk.

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, March 1, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate concurrent resolution No. 5, requesting the Governor to return Senate bill No. 62 for correction.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

SENATE BILL NO. 48—MADE SPECIAL ORDER.

On motion of Senator Harper, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 48.

The Chair laid before the Senate, on second reading,

Senate bill No. 48, a bill to be entitled "An Act to define who are peddlers, and declaring all persons who go from house to house and place to place making a sale of merchandise by retail or taking orders for the future delivery of merchandise, regardless of the mode and the manner of delivery, to be peddlers; levying an occupation tax on such persons, and providing a penalty for the violation of this Act."

On motion of Senator Harper, further consideration of the bill was postponed till next Friday morning, and was made special order.

SENATE BILL NO. 222.

On motion of Senator Glasscock, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 222.

The Chair laid before the Senate, on second reading,

Senate bill No. 222, a bill to be entitled "An Act to amend Chapter 86, page 113, of the Acts of the Twenty-eighth Legislature, being 'An Act to protect stock raisers and farmers, and providing for the destruction of wolves and other wild animals, to require of commissioners court of the several counties of this State, not herein specially exempted, to pay for the killing of such wolves and other wild animals and to repeal all laws in conflict herewith, and declaring an emergency.'"

Senator Glasscock offered the following amendment:

Amend line 10, page 2, by inserting after the word "Burleson" the following words: Brazoria, Bastrop, Bosque, Bexar, Bell, Brewster, Carson and Collingsworth.

The amendment was adopted.

Senator Grinnan offered the following amendment:

Amend by adding Brown and Mills counties to list of exempt counties named in the bill.

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend by striking out the last word in line 21, page 1, and inserting the word "may" in its stead.

The amendment was adopted.

Senator Hawkins offered the following amendment:

Amend by adding to list of counties exempted from the law, the county of Midland.

The amendment was adopted.

Amend by adding Upton county to list of exempt counties.

The amendment was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Glasscock, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Meachum.
Hill.	

Absent—Excused.

Faulk.

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Holland.
Hale.	Meachum.
Hill.	

Absent—Excused.

Faulk.

Senator Glasscock moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 425—PASSAGE OF.

On motion of Senator Decker the pending order of business, House bill No. 67, was suspended, and the Senate took up, out of its order, House bill No. 425.

The Chair laid before the Senate on its third reading, House bill No. 425.

House bill No. 425, a bill to be entitled "An Act to attach the unorganized counties of Cochran and Hockley to Lubbock county for surveying purposes; to authorize and empower the commissioners court of Lubbock county to procure from the county surveyor's office of Crosby county and from the General Land Office of the State, all the records of files and surveys of lands in said unorganized counties, and certified copies of such records, and to repeal all laws and parts of laws in conflict herewith."

The bill was read third time and passed.

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 32—ENGROSSMENT OF.

On motion of Senator Smith, the pending order of business, House bill No. 67, was suspended, and the Senate took up, out of its order, Senate bill No. 32.

The Chair laid before the Senate on second reading,

Senate bill No. 32, An act to be entitled a "Joint Resolution," amending Article 16, Section 44 of the Constitution of the State of Texas authorizing the appointment or election of county treasurer and county surveyor.

There being a majority committee report, which recommended that the bill do pass, and a minority report which recommended that the bill do not pass,

Senator Chambers moved that the minority report be adopted.

The motion was lost.

Senator Smith offered the following amendment:

Amend the bill by adding thereto the following:

Section 3. Whereas the crowded condition of the calendar of Senate and House and the public importance of the act, in the reduction of public

expenditures creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be and is hereby suspended.

The amendment was adopted.

The bill was read second time and ordered engrossed.

HOUSE BILL NO. 87—PASSAGE OF.

On motion of Senator Hicks, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, House bill No. 87.

The Chair laid before the Senate, on second reading,

House bill No. 87, a bill to be entitled "An Act to amend Sections 1, 3 and 4, of Chapter 97, page 127, Acts of the Regular Session of the Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, round houses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office or the board of regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes."

On motion of Senator Hicks, further consideration was postponed until tomorrow morning at the conclusion of morning call.

ADJOURNMENT.

On motion of Senator Hale, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX A.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 5. Whereas, The caption of Senate bill No. 62, as enrolled and presented to the Governor, is thought to be defective in

this: It states that it permits minors under the age of nine years to be punished with the offense of perjury, whereas the word "for" should be substituted for the word "with," thereby curing any real or apparent defect; therefore, be it resolved by the Senate, the House concurring, that his excellency, the Governor, be requested to return said bill to the House and Senate for correction.

And find the same correctly enrolled.
TERRELL, Chairman.

Committee Room,

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 47, being "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, February 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 159, being "An Act regulating the sale of concentrated commercial feeding stuffs; and the materials from which they are manufactured; defining concentrated feeding stuffs; prohibiting their adulteration; providing for their correct weighing and marking and providing for the collection of samples, the expenses of the enforcement of the law and fixing penalties for its violation."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room.

Austin, Texas, February 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 167, being "An Act to amend Article 1383, Chapter 19, Title XXX, of the Revised Civil Statutes, pertaining to appeals and writs of error,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, being "An Act to prohibit a person or persons from taking orders or soliciting orders for whisky, beer, wine or any other intoxicating drink or drinks in a local option county of this State, and affixing a punishment therefor, and providing an emergency,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 205, being "An Act to amend Section 92 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, as amended, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 193, being "An Act to give the furnishers of feed for cattle a prior lien on said cattle to secure the payment of such feed, and to provide penalties for fraudulent disposition of cattle subject to such liens,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 232, being "An Act to amend Section 10, Chapter 29, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, relating to the compensation of the county commissioners when acting as road commissioners, and with an emergency clause,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 206, being "An Act to amend Section 91 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by an act of the Twenty-seventh Legislature, entitled 'An Act to amend Sections 91, 93 and 176 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency,'"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 239, being "An Act to require railroad companies who shall accept any special law passed at this or any future session of the Legislature of the State of Texas to carry free of charge members of the Legislature, certain State officials and sheriffs,"

And find the same correctly engrossed.

BARRETT, Chairman.

CITY AND TOWN CORPORATIONS.

Committee Room.

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 253, a bill to be entitled "An Act to incorporate the city of Waco and to define its boundaries and powers, passed by the Twenty-first Legislature, and approved February 19, 1889, said Act to be amended by amending Section 1 of said Act as amended by an Act of the Twenty-sixth Legislature, Chapter 13, page 178, Section 1, Special Laws of Texas, 1899, as amended by an Act of the Twenty-eighth Legislature, Sections 1 and 2, Chapter 30, page 238, Special Laws of Texas, 1903, by defining the boundaries of the City of Waco and including additional territory within the corporate limits of said city; and further amending said Act of the Twenty-first Legislature as amended by Section 2 of an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Waco, and to define its boundaries and powers, approved February 19, 1889, said Act amending said Act of 1889, passed by the Twenty-second Legislature, Chapter 12, page 25, Special Laws of Texas, 1891; said Section 2 of said Act of 1891 adding to said Act of 1889 Section 21a, which is further subdivided into b, c and d, said Section 21a, with its subdivisions, being further amended by Section 2 of an Act of the Twenty-eighth Legislature, Chapter 45, page 346, Special Laws of Texas, 1903, now amended by amending sub-Section b of said Section 21a, which is Section 2 of said Act of 1903, and said Act of 1891 authorizing City Council to fix liens and encumbrances on property and demands against owners of property for local improvement, and by adding to said Section 21a another section, to be designated e, as a sub-division of said Section 21a, said e providing methods of enforcing said demands, liens and encumbrances with costs and penalty, and fixing time of payment; and further amending said Act of 1889 by amending Section 35 thereof and prescribing a new method of publishing criminal ordinances; and further amending said Act of 1889 as amended by adding thereto Section 21f, prescribing and authorizing the city to adopt a cumulative method of abating and removing nuisances, and making same additional to authority already held by said city, and relieving city of liability in certain instances; and further amending said Act of 1889 by adding thereto Section 21g, granting the city further and cumulative au-

thority to regulate the sale of intoxicating liquors in said city; and further amending said Act of 1889 by amending Section 4 of said Act as amended by Section 1 of an Act passed by the Twenty-fifth Legislature, Chapter 3, page 7, Special Laws of Texas, 1897; and further amending said Act of 1889 by adding thereto Section 19a, creating a water commission and certain other offices for said City of Waco, and defining their powers and duties, and authorizing the City Council to pass such civil and criminal ordinances, and enforce such penalties as they may deem necessary to protect the property in said plant, punish wastes of water or abuse of privilege or unauthorized use of water from the city water works; and further amending said Act of 1889 by adding thereto Section 2a, fixing further limitations on city's liability in suits for damages for personal injuries; and further enacting that all ordinances passed under former authority and not inconsistent herewith shall remain in force until repealed by the Council; and all liens, encumbrances and demands heretofore fixed or established, or for the fixing or establishing of which proceeding has been begun, shall be valid, and providing for an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STAFFORD,
Acting Chairman.

Committee Room.

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 251, a bill to be entitled "An Act to amend Section 64 of an Act of the Twenty-seventh Legislature of the State of Texas entitled 'An Act to incorporate the City of Austin, to grant it a new charter and to fix its boundaries,' approved April 13, 1901, and being Chapter 8 of the Special Laws of the regular session of the Twenty-seventh Legislature of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STAFFORD,
Acting Chairman.

Committee Room.

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and

Town Corporations, to whom was referred

House bill No. 541, a bill to be entitled "An Act to incorporate the City of Paris, and to grant it a new charter, to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STAFFORD,
Acting Chairman.

Committee Room,

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 433, a bill to be entitled "An Act to amend the charter of the City of El Paso,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STAFFORD,
Acting Chairman.

ROADS, BRIDGES AND FERRIES.

Floor Report.

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 437, a bill to be entitled "An Act to create a more efficient road system for Colorado county * * * etc.,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it pass, but be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, March 1, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the County Commissioners Court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in

the City of Houston; and authorizing the creation of road districts and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas, and the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

MARTIN, Chairman.

PUBLIC HEALTH.

Committee Room,

Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

House bill No. 39, a bill to be entitled "An Act to regulate the sale of cocaine and other drugs," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out all after the enacting clause, and insert the following in lieu thereof:

Section 1. That it shall be unlawful for any person, firm or corporation to sell, furnish or give away cocaine, salts of cocaine or preparations containing cocaine or salts of cocaine or any morphine or salts of morphine or preparations containing morphine or salts of morphine, or any opium or preparations containing opium, or any chloral hydrate or preparations containing chloral hydrate, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be recomounded or dispensed a second time, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open

to inspection by properly authorized officers of the law. Provided, however, that the above provisions shall not apply to preparations containing not more than two grains of opium or not more than one-eighth grain of morphine, nor not more than two grains of chloral hydrate, or not more than one-sixteenth grain of cocaine, in one fluid ounce, or if a solid preparation, in one avoirdupois ounce; provided, also that the above provisions shall not apply to preparations recommended in good faith for diarrhoea or cholera, each bottle or package of which is accompanied by specific directions for use, and the caution against habitual use, nor to liniments or ointments when plainly labeled "For external use only." And provided further, that the above provisions shall not apply to sales at wholesale jobbers, wholesalers and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor the sales to hospitals, colleges, scientific or public institutions, nor to the sale of patent or proprietary medicines sold by druggists or others, containing any of the foregoing substances, the sale of which is prohibited by this act; provided, such preparations be not compounded or sold for the purpose of the evasion of this act.

Sec. 2. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, any cocaine or morphine, or any salts or compound of cocaine or morphine, or any preparation containing cocaine or morphine or their salts, or any opium or chloral hydrate or any preparation containing opium or chloral hydrate, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs such substances as he may deem necessary for the treatment of such habit.

Sec. 3. Any person who shall knowingly violate any of the provisions of

this act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than \$25 nor more than \$50, and upon a conviction for a second offense shall be fined not less than \$50 nor more than \$100, and upon a conviction for a third and all subsequent offenses shall be fined not less than \$100 nor more than \$200 and shall be imprisoned in the county jail for not less than six months. It shall be the duty of the grand jury to make presentments for violations of this act.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

HARPER, Chairman.

THIRTY-FIFTH DAY.

Senate Chamber,

Austin, Texas.

Thursday, March 2, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty. Skinner.

Absent—Excused.

Faulk. Hill.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Meachum, the same was dispensed with.

EXCUSED.

On motion of Senator McKamy, Senator Grinnan was excused from attendance upon the Senate for Tuesday on account of business.

On motion of Senator Glasscock,